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11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 REY MARTINEZ,
19 Defendant.

No. CR 04-0189 VRW 
STIPULATION AND ~~[PROPOSED]~~
ORDER ADJUSTING MOTION
BRIEFING SCHEDULE AND
EXCLUDING TIME FROM THE SPEEDY
TRIAL ACT CALCULATION (18 U.S.C. §
3161(h)(8)(A))

20 This matter is currently for hearing on defendant's motion to suppress on January 24,
21 2006. The parties now jointly request that the briefing schedule and hearing date in this matter
22 be adjusted. This joint request is a result of scheduling issues that have arisen for both parties
23 after the setting of the briefing schedule related to pre-existing professional commitments, a
24 recently scheduled trial, and the pending holidays. Furthermore, the government has recently
25 provided additional discovery materials to the defense which are under review. The parties
26 would like an opportunity to confer regarding this additional discovery prior to the hearing on
27 defendant's pre-trial motion. The parties do not anticipate any additional modifications to be
28 requested to the briefing schedule in this case. It is the parties' understanding that the Court is

STIPULATION AND [PROPOSED] ORDER
CR 04-0189 VRW

1 available on February 14, 2006.

2 In light of the above, the parties agree, and the Court finds and holds, as follows:

3 1. Government's response to defendant's motion to suppress is due no later than Monday,
4 January 23, 2006.

5 2. Defendant's reply is due no later than Wednesday, February 1, 2006.

6 3. The hearing on defendant's motion to suppress shall take place on Tuesday, February 14,
7 2005.

8 4. The time between January 24, 2006 and February 14, 2006 is excluded under the Speedy
9 Trial Act. The parties agree that the failure to grant the requested continuance would
10 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
12 that the ends of justice served by granting the requested continuance outweigh the best interest of
13 the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.
14 See 18 U.S.C. § 3161(h)(8)(A).

15
16 STIPULATED:

17 DATED: 12/20/05


BILL FAZIO

Attorney for Defendant Martinez

18
19
20 DATED: 12/20/05


JOSEPH A. FAZIOLI

Assistant United States Attorney

21
22 IT IS SO ORDERED.

23 DATED: _____


VAUGHN R. WALKER

UNITED STATES DISTRICT JUDGE